ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 6.

An Act for repairing the Road from the City of *Coventry* to the *Rugby* Turnpike Road, in the Parish of *Wolvey*, in the County of *Warwick*.

[23d *March* 1813.]

WHEREAS the present Road or Public Highway leading from the End of *Far Gosford Street*, in the Parish of the *Holy Trinity*, in the Suburbs and County of the City of *Coventry*, through Part of the said Parish of the *Holy Trinity*, and through or into the Parishes of *Stoke*, *Saint Michael*, *Wyken*, *Sow*, *Anstey*, *Shilton*, *Bulkington*, and *Wolvey*, in the several Counties of the City of *Coventry* and *Warwick*, into the Turnpike-Road in the Parish of *Wolvey*, leading from *Rugby Bridge* in the County of *Warwick*, to the Town of *Hinckley* in the County of *Leicester*, is not only very much out of Repair, but in many Places narrow, circuitous, and otherwise incommodious to the Public, so as to make it expedient to widen the same, and to alter Part of the Course thereof: And whereas the same Road cannot be effectually altered, widened, straightened, rendered safe and commodious, and kept in Repair by Means of the Laws in being for the Amendment and Preservation of Public Highways: And whereas the making and maintaining of a good and sufficient Public Turnpike Road, from the City of *Coventry* to the *Rugby* Turnpike Road in the Parish of *Wolvey* aforesaid, would be of great Benefit and Advantage to the Owners and Occupiers of Estates in the Neighbourhood thereof, and would be of public Utility; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

Trustees. ment assembled, and by the Authority of the same, That *Henry Cadwallader Adams*, *George Arnold*, Esquires; the Reverend *Thomas Coker Adams*, *John Adams*, *Henry William Adams*, *James Beck*, Esquires; *William Brown*, *John Ballard*, the Honourable *Berkley Craven*, the Honourable *Keppell Craven*, the Reverend *Charles Curtis*, *John Carter*, the Mayor and Aldermen of the City of *Coventry* for the Time being, *Dugdale Stratford Dugdale*, *Wriothesley Digby*, Esquires; *Robert Foster*, *Henry Foskett*, *Francis Gregory* Esquire, *Arthur Gregory*, *Basil Goode*, *John Hopkins*, *Edward Inge*, *William James*, Esquires; Sir *Charles Mordaunt* Baronet, *Charles Mills* Esquire, *John Mullis*, *William Marvin*, *Francis Perkins*, *William Pridmore*, *Edmund William Percy*, *John Smith*, *William Stanbridge*, *John Williamson*, *Samuel Whitwell*, Esquires; the Honourable *Henry Verney*, and *Samuel Vale* Esquire, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Trustees, for repairing, widening, altering, and maintaining the said Road, and for otherwise putting this Act in Execution.

Power to appoint additional Trustees. II. And be it further enacted, That it shall be lawful for the said Trustees or any Three or more of them, at a Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Twenty Days Notice shall be given, as is herein-after directed respecting the Appointment of future Trustees on Vacancies,) to elect, nominate and appoint any Number of fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby nominated and appointed.

Appointment of future Trustees. III. And be it further enacted, That in case any of the said Trustees named in or to be appointed by virtue of this Act, shall die, or by Writing under his Hand, delivered to the Clerk to the said Trustees, shall refuse or decline to act, it shall and may be lawful to and for any Five or more of the remaining or surviving Trustees, by Writing under their Hands, at any Meeting (whereof at least Ten Days Notice shall have been given upon all the Turnpikes or Toll Gates to be erected in pursuance of this Act,) to nominate and appoint some other Person to be a Trustee, in the room of such Person so dying or refusing to act as aforesaid; and every such Person so nominated and appointed (being qualified as hereinafter mentioned) shall have the like Power and Authority to act as a Trustee in the Execution of this Act, as the Person in whose stead he shall be appointed was vested with.

Qualification of Trustees. IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Twenty Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate alone of the Amount or Value of One thousand Pounds; and if any Person not being so qualified, shall presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's

Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof being given of his having acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any ſuch Perſon as a Truſtee in the Execution of this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual, as if ſuch Perſon had been qualified, according to the Directions of this Act.

Acts of unqualified Truſtees valid before Conviction.

V. Provided alſo, and be it enacted, That every Truſtee appointed or to be elected and appointed by virtue of this Act, before he ſhall act as ſuch (except in adminiſtering the Oath next herein-after mentioned,) ſhall take and ſubſcribe an Oath before Three or more of the ſaid Truſtees, (who are hereby empowered to adminiſter the ſame, in the Form, or to the Effect following,) that is to ſay,

Truſtees to take an Oath.

'I *A. B.* do ſwear, That I am, in my own Right (or in the Right of my Wife), truly and *bonâ fide* ſeiſed or poſſeſſed of, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Twenty Pounds above Reprizes, *(and in caſe of an Heir Apparent)* I *A. B.* do ſwear, That I am Heir Apparent of *C. D.* who, to the beſt of my Knowledge and Belief, is truly and *bonâ fide* ſeiſed or poſſeſſed of and in the actual Poſſeſſion and Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, *(and in caſe of Perſonal Eſtate,)* I *A. B.* do ſwear, that I am truly and *bonâ fide* poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of One thouſand Pounds, and that I will truly and faithfully execute the Powers and Truſts repoſed in me by an Act of Parliament paſſed in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act.*] So help me God.'

VI. Provided alſo, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act, and that all ſuch Truſtees as are Juſtices of the Peace, may act as Juſtices of the Peace within their reſpective Juriſdictions in the Execution of this Act, notwithſtanding their being Truſtees, except only in Caſes where they are perſonally intereſted; nor ſhall any Mortgagee or Aſſignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, be on that Account deemed unqualified to act as a Truſtee in the Execution of this Act.

Truſtees holding Places of Profit not to act, &c.

VII. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe, or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe,

Victuallers not to act as Truſtees or Officers.

Ale

Ale Houſe, or other Houſe of public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls, who ſhall not be under any ſuch Incapacity.

Meetings of Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the *King's Head* Inn, in the City of *Coventry*, on the Second *Monday* next after the paſſing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, or as ſoon after as convenient, and ſhall then proceed in the Execution of this Act; and that the ſaid Truſtees ſhall then, and from Time to Time afterwards, adjourn themſelves and meet at the ſame Place, or at any other Place on or near the ſaid Road, and at ſuch Times as the ſaid Truſtees ſhall, from Time to Time, order and direct; provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or in caſe the Truſtees aſſembled at any Meeting ſhall not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall from Time to Time, as often as ſuch Events ſhall happen, by a Notice in Writing to be affixed on all the Turnpikes or Toll Gates then erected in, upon, acroſs, or on the Sides of the ſaid Road, and to be inſerted in ſome Newſpaper, publiſhed or circulated in the City and County of the City of *Coventry* and in the County of *Warwick*, at leaſt Ten Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed: Provided always, that no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees, at any Meeting to be held under this Act, before the Hour of Eleven in the Forenoon, nor ſhall any Adjournment be made, or any Meeting appointed to be held, at any later Hour than Two in the Afternoon of the Day on which ſuch Meeting is appointed to be held.

Hours of Buſineſs fixed.

Meeting on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that they ſhould meet at an earlier Time than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by Three or more of them, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in ſuch Order (ſuch Time not being leſs than Ten Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Orders and Determinations of the Truſtees at ſuch Meetings as aforeſaid, ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment; and the ſaid Truſtees, or the Majority of them, at all Meetings to be held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Determinations and Agreements in the Execution of this Act, and no ſuch Order, Determination or Agreement ſhall be made, unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein; and no ſuch Order, Determination or Agreement ſhall be revoked or altered at any ſubſequent Meeting, unleſs Special Notice ſhall be given Ten Days before, in ſome Public Newſpaper uſually circulated within the ſaid City and County of the

the City of *Coventry* and County of *Warwick*, of the Intention to apply to revoke or alter the ſame, nor unleſs a greater Number of Truſtees ſhall concur in the Revocation or Alteration thereof than concurred in the making of any ſuch Order, Determination or Agreement; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Three Truſtees may act.

X. And be it further enacted, That all Acts, Proceedings, Matters, and Things, relative to the Execution of this Act, may be done and executed by any Three or more of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, except ſuch as are herein particularly directed to be done and executed by any greater or leſs Number of them.

Proceedings to be entered in a Book.

XI. And be it further enacted, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or by their Clerk, which ſaid Book or Books and alſo the Books herein-after mentioned and directed to be kept for regiſtering Mortgages and Aſſignments, or Tranſcripts thereof, ſhall be admitted as Evidence in all Courts whatſoever.

Truſtees to appoint Officers.

XII. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered by Writing under their Hands to appoint One or more Collector or Collectors of the Tolls hereby granted, and a Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary, and any of them from Time to Time to remove, and on Removal, Death or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors and other Officers, to appoint others in their ſtead, and may, and are hereby empowered, out of the Money to be raiſed by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting them or any of them in or about the Execution of this Act, ſuch Salaries, Rewards and Allowances for their Attendance, Care, Labour and Services, as the ſaid Truſtees ſhall deem reaſonable; and all

Officers to account.

ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact and perfect Accounts in Writing, under their reſpective Hands, upon Oath (which Oath the ſaid Truſtees are hereby empowered to adminiſter), of all Monies which they and every of them have received to that Time, by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to produce and deliver up ſuch Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall neglect or refuſe to pay the Money due on ſuch Account, in Manner aforeſaid, or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all Books, Papers or Writings in his Cuſtody or

Power relating to the Execution of this Act, that then, and in every or any of the ſaid Caſes, it ſhall be lawful for any Two or more Juſtices of the Peace for the County, City or Place, wherein ſuch Perſon may be or reſide, upon Complaint being made to them by any Two or more of the ſaid Truſtees, and ſuch Juſtices, within their reſpective Juriſdictions, are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before them, and upon his and their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, or upon the Inſpection of the Accounts, if produced, it ſhall appear to ſuch Juſtices that any of the Monies which have been collected or received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and they are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants, under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Monies and the Charges of taking and making ſuch Diſtreſs, and of ſelling the ſame; or if ſuch Officer or Officers, or other Perſon or Perſons ſhall not appear before the ſaid Juſtices, at the Time and Place by them appointed for that Purpoſe, or if appearing, ſhall refuſe or neglect to give and deliver to ſuch Juſtices an Account or Accounts of all Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, or of the Articles thereof, on Oath, as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Papers and Writings in his or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Road, then and in either of the Caſes aforeſaid, ſuch Juſtices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit ſuch Officer or Officers, Perſon or Perſons, to the common Gaol, or Houſe of Correction of the County, City or Place where he or they ſhall live or reſide, there to remain, without Bail or Mainprize, until he or they ſhall have given and made a perfect and true Account and Payment as aforeſaid, or until he or they have compounded or agreed with the ſaid Truſtees, and have paid ſuch Compoſition Money in ſuch Manner as the ſaid Truſtees ſhall appoint; (which Compoſition the ſaid Truſtees are hereby empowered to make,) or until he or they ſhall deliver up ſuch Books, Papers and Writings as aforeſaid, or ſhall give Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon who ſhall be committed for Want of a ſufficient Diſtreſs, ſhall be detained in Priſon for any longer Time than Six Calendar Months.

Treaſurer and Officers to give Security.

XIII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required, to take ſufficient Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices; and that no ſuch Treaſurer, Receiver, Collector, or other Officer ſhall be permitted to enter upon ſuch their Offices reſpectively until they have given ſuch Security.

Truſtees may appoint temporary Collectors.

XIV. And be it further enacted, That upon the Death, Incapacity, Abſconding, or Abſence of any Collector or Receiver of Tolls, any Three of more of the ſaid Truſtees, though not aſſembled at any General Meeting of the Truſtees appointed by virtue of this Act, by Writing under their reſpective Hands, ſhall and may nominate and appoint a proper Perſon to be Collector or Receiver of the Tolls hereby granted, to continue until the then next Meeting of the ſaid Truſtees, in the ſtead of ſuch Collector or Receiver as may ſo die, become incapable, abſcond or abſent himſelf, which Perſon ſo nominated and appointed, ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all Reſpects, as the Perſon who ſhall ſo die, become incapable, abſcond, or abſent himſelf, would have had or been ſubject to; and if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family or Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon having the Poſſeſſion of any Toll Houſe or Building to be erected by virtue of this Act, ſhall neglect or refuſe to deliver up ſuch Poſſeſſion for the Space of Fourteen Days, after Demand thereof made, and Notice in Writing given for that Purpoſe, by any Three or more of the ſaid Truſtees, or by their Clerk or Treaſurer, then, and in any of the ſaid Caſes, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County in which ſuch Toll Houſe or Building ſhall be ſituated, by Warrant under his and their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for ſuch County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees, or any Three or more of them, or any of their Officers in the Poſſeſſion thereof.

Truſtees may ſue in the Name of their Treaſurer or Clerk.

XV. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees; but the Treaſurer or Clerk for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every ſuch Action: Provided always, that every ſuch Treaſurer or Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences as by the Event or in conſequence of any ſuch Action or Proceedings he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Treaſurer to be reimburſed Expences.

Power to erect Toll Gates, &c. and to remove them.

XVI. And, for the Purpoſe of collecting and receiving the Tolls herein granted or made payable, be it enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall direct and appoint, ſhall and may erect and ſet up, or cauſe to be erected and ſet up, ſuch and ſo many Toll Gate or Toll Gates in, upon, or acroſs ſuch Parts and in ſuch Places of

of the ſaid Road, and alſo ſuch and ſo many Toll Gate or Toll Gates on the Sides of the ſaid Road, and in, upon, or acroſs any Lane or Bye-way that does or ſhall lead into or out of the ſame, as they the ſaid Truſtees ſhall think proper and expedient; and alſo ſhall and may erect and provide a Toll Houſe, with ſuitable Out-buildings and other Conveniencies, with a Garden not exceeding One Rood of Land, at or near each of the ſaid Toll Gates, and may from Time to Time afterwards remove, alter, or diſcontinue the Toll Gates or Toll Houſes, or any of them, as they the ſaid Truſtees ſhall think expedient; provided that none of the ſaid Toll Gates ſhall be removed as aforeſaid, unleſs Thirty Days Notice of the Intention to remove the ſame be given in One or more of the Newſpapers circulated in the ſaid City of *Coventry* and in the County of *Warwick* aforeſaid, and alſo be affixed in Writing upon all the Toll Gates then erected by virtue of this Act.

Toll Gates, &c. veſted in Truſtees.

XVII. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houſes, Weighing Machines, and the ſeveral Conveniencies and Appurtenances thereto belonging, which ſhall be erected or made by virtue of this Act, and in the Materials for building and repairing the ſame, and for repairing the ſaid Road, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or to prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break, or damage any ſuch Toll Gates, Toll Houſes, Conveniencies, or Appurtenances, Materials, Articles, or Things, or ſhall do any Act to hinder or obſtruct any Perſon employed by the ſaid Truſtees in the Execution of this Act.

Power to take Tolls.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following at each and every of the reſpective Toll Gates or Toll Gate which ſhall be erected in, upon, or acroſs the ſaid Road or on the Side of the ſaid Road, or in, upon, or acroſs any Lane or Bye-way that does or ſhall lead into or out of the ſame by virtue of this Act; and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night), that is to ſay;

Tolls.

For every Horſe, Mare, Gelding, Mule, or other Beaſt drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Barouche, Curricle, Phaeton, Taxed Cart, or other ſuch Carriage, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, Aſs, or Pair of Oxen, Bullocks, or other neat Cattle, drawing any Waggon, Cart, or other Carriage of the like Nature, with Wheels of leſs Breadth than Six Inches, the Sum of Four-pence:

For every Horſe, Mare, Gelding, Mule, Aſs, or Pair of Oxen, Bullocks, or other neat Cattle, drawing any other Carriage of the like Nature, with Wheels of the Breadth of Six Inches or upwards, the Sum of Three-pence;

For

For every Horſe, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or neat Cattle, the Sum of Ten-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Five-pence *per* Score; and ſo in Proportion for any greater or leſs Number.

Double Tolls to be taken on Sundays.

Tolls veſted in Truſtees.

How Payment of Tolls may be enforced.

And that on every *Sunday* during the Continuance of this Act there ſhall, under the Proviſions and Reſtrictions in this Act contained, be demanded and taken at the ſaid Toll Gates reſpectively, by ſuch Perſon or Perſons to be nominated and appointed as aforeſaid, double the ſaid reſpective Tolls; and the ſaid reſpective Tolls ſhall be demanded and taken before any Carriage, Horſe or Horſes, Beaſt, or other Cattle whatſoever be permitted to paſs through any ſuch Toll Gate; and all and every ſuch Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being; and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of, and aſſigned in ſuch Manner as is herein-after mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by the Perſon or Perſons ſo authorized to receive the ſame, neglect or refuſe the Payment thereof, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized, to ſeize and diſtrain any Carriage, Horſe, Beaſt, or other Cattle upon which any Toll is by this Act impoſed, or any of the Lading, Harneſs, or Accoutrements thereof reſpectively, ſave and except the Bridle or Bridles thereof, or any of the Goods and Chattels of the Perſon or Perſons refuſing or neglecting to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs and keeping the ſame, ſhall not be paid within the Space of Five Days after the Time of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining may, at any Time or Times thereafter, ſell the Horſe, Beaſt, Cattle, Carriage, Goods, and Chattels ſo diſtrained, or a ſufficient Part of ſuch Goods and Chattels, returning the Overplus of the Money to ariſe by ſuch Sale (if any), and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Diſtreſs and Sale, ſhall be deducted.

Tolls may be reduced.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, when and as often as they think proper, to leſſen or reduce any of the Tolls hereby authorized to be taken, and to order the ſame to be collected in ſuch Manner, Parts, and Proportions as they ſhall think fit, and to raiſe the ſame again, ſo that the reſpective Tolls ſo advanced never exceed the Tolls by this Act authorized to be taken; and ſo that the Tolls ſo granted be never reduced until the Money borrowed on the Credit thereof, together with the Intereſt, be repaid, except the Perſon or Perſons entitled to Five-ſixth Parts of the Money then due on the Security of the Tolls conſent thereto; and no ſuch Reduction ſhall be made, unleſs Twenty-one Days Notice thereof be affixed in Writing on all the Toll Gates then erected acroſs the ſaid Road, and be alſo inſerted in One or more of the Newſpapers publiſhed or generally circulated in the City of *Coventry* and in the County of *Warwick*.

Only one full Toll to be taken.

XX. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to empower the ſaid

said Truſtees to cauſe more than one full Toll to be demanded or taken for the Paſſage of the ſame Horſe, Beaſt, or Cattle, through all the Toll Gates to be erected on the ſaid Road on the ſame Day, ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night.

Tolls to be paid but once a Day.

XXI. And be it further enacted, That if any Perſon ſhall have paid the Toll hereby authorized to be taken for the paſſing of any Horſe, Cattle or Beaſt, through any of the ſaid Toll Gates to be erected by virtue of this Act, ſuch Perſon ſhall, upon producing a Note or Ticket denoting the Payment thereof on that Day, at the ſame Toll Gate, (which Note or Ticket the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver *gratis*, on Demand, to every Perſon paying the ſame) be permitted to paſs Toll-free with the ſame Cattle, Horſe or Beaſt, through the ſame Toll Gate at any Time during the ſame Day, to be computed as aforeſaid.

Diſputes concerning Tolls to be ſettled by a Juſtice of Peace.

XXII. Provided always, and be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any Diſtreſs, it ſhall be lawful for the Collectors or Perſons diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, until the Amount of the Tolls due, and the Charges of ſuch Diſtreſs, ſhall be aſcertained by ſome Juſtice of the Peace, having Juriſdiction in the Place where the Cauſe of Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter, on Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Diſtreſs, and of the Collector's Attendance for that Purpoſe on the ſaid Juſtice, all which Sums ſo determined and aſſeſſed ſhall be paid to the ſaid Collector before he ſhall be obliged to return the ſaid Diſtreſs or Overplus, or any Part thereof.

Collectors of Tolls not to be deemed incompetent Witneſſes.

XXIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe touching, or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or by reaſon of his, her, or their acting under the Authority of the ſaid Truſtees.

Penalty on Evaſion of Tolls.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall go, or paſs with, or ride or drive any Horſe or Beaſt, or ride in any Carriage through or over any Land, Ground or Place, lying by the Side of, or near to any Part of the ſaid Road, the ſame not being a public Highway, and ſuch Perſon or Perſons not being the Owner or Owners, Occupier or Occupiers thereof, with an Intent to evade the Payment of the Tolls by this Act granted; or if any Perſon or Perſons owning or occupying any ſuch Land, Ground, or Place, ſhall knowingly or willingly permit or ſuffer any other Perſon or Perſons to go or paſs with any Cattle or Carriage through or over ſuch Land, Ground, or Place, whereby the Payment of any of the ſaid Tolls ſhall be evaded; or if any Perſon ſhall forge, counterfeit, or alter, or ſhall deliver to, or receive from any other Perſon or Perſons, any Note or Ticket with Intent to avoid the Payment of

of all or of any Part of the ſaid Tolls; or if any Perſon or Perſons ſhall unload, or cauſe to be unloaded, any Goods or Merchandize, or ſhall take off, or cauſe to be taken off, any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or having paſſed through any Toll Gate, ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage, and draw therewith upon any Part of the ſaid Road, ſo as to increaſe the Number of Horſes or other Beaſts drawing the ſaid Carriage after the ſame ſhall have paſſed through the ſaid Toll Gates, whereby the Payment of any of the ſaid Tolls may be evaded; or if any Perſon or Perſons ſhall do any other Act in order or with Intent to avoid the Payment of the ſaid Tolls, or any Part thereof, ſuch Perſon or Perſons, and every of them, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may let the Tolls.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting whereof Fourteen Days Notice ſhall have been given in Writing, affixed upon all the Toll Gates then erected upon or acroſs the ſaid Road, or inſerted in ſome Newſpaper publiſhed or circulated in the City of *Coventry*, and in the County of *Warwick*, from Time to Time, by Writing under their Hands, to let and demiſe the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Time and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees ſhall think fit, and the Money ariſing thereby ſhall be applied in ſuch Manner as the ſaid Tolls are directed to be applied.

Obtaining Poſſeſſion of Toll Houſes when let to Farm.

XXVI. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Toll Gates erected or to be erected on the ſaid Road, ſhall, at any Time or Times during the Continuance of this Act, be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Twenty-one Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for letting the ſame, then and in either of thoſe Caſes the ſaid Truſtees, or their Clerk, Treaſurer, or Surveyor, or other Perſon authorized by Writing under the Hands of any Three or more of them, ſhall be at Liberty, and they are hereby authorized to enter into, and take Poſſeſſion of, the Toll Houſe or Toll Houſes, with the Buildings, Gates, and Appurtenances thereto belonging, ſo let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers, from the Poſſeſſion thereof, and from the Collection of the Tolls there payable, and that thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid Truſtees, in every ſuch Caſe, to demiſe, or let to farm the ſaid Tolls again to any Perſon or Perſons, or

cauſe

cauſe them to be taken and collected as if no former Contract or Agreement had been entered into relative thereto.

Truſtees may compound for Tolls.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, as they ſhall ſee convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the ſeveral Pariſhes, Hamlets, or Places to or through which the ſaid intended Road leads, for the Paſſage of all or any Deſcription of their Horſes, Cattle, or Carriages, through all or any of the Toll Gates to be erected on the ſaid Road, or on the Sides thereof, which Compoſition ſhall be paid yearly in Advance; and in Default thereof, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void, and all ſuch Compoſition Money ſhall be applied in the ſame Manner as the Tolls are hereby directed to be paid and applied.

General Exemptions from Toll.

XXVIII. And be it further enacted, That no Tolls ſhall be demanded or taken, at any of the Toll Gates to be erected by virtue of this Act, for any Horſes, Cattle, or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-maſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom, nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty, nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, nor from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church or Chapel, or viſiting his ſick Pariſhioners, nor from any Perſon or Perſons going to or returning from any Church, Chapel, or other uſual Place of religious Worſhip within the Pariſh or Place where he, ſhe, or they may reſide, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in the Pariſh, Hamlet, or Place through which any Part of the ſaid Road hereby intended to be repaired lies, nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire, or of a Member or Members to ſerve in Parliament for the City of *Coventry* or County of *Warwick*, or Borough of *Warwick*, or any Surveyor or Surveyors of the ſaid Road when attending his or their Duty on the ſaid Road, or for carrying or conveying Vagrants ſent by legal Paſſes, or for carrying or conveying Hay, Clover, Turnips, or Corn in the Straw, or to be laid or ſtacked up in any Barn or Yard held or uſed by the Occupier of the Land whereon the ſame grew and being within the ſame Pariſh, nor going or returning empty when ſo employed, or for carrying or conveying any Dung, Soil, Mould, or Compoſt to be uſed for the manuring and improving of any Land, nor going or returning empty when ſo employed, nor for any Horſes, Beaſts, or Cattle paſſing in order to be uſed or employed only

only upon or for the Occupation of Land in the ſame Pariſh, Hamlet or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Huſbandry, in order to be ſo uſed or employed, or to be repaired, or returning after having been ſo employed, nor for any Horſe, Beaſt or Cattle, paſſing to or from Paſture, upon any ſuch Land as laſt mentioned, or to or from Water, or for either of thoſe Purpoſes of Paſture or Water, going or paſſing only from One Pariſh into the next adjoining Pariſh, nor for any Horſe, Beaſt, or other Cattle, when going to or returning from being ſhoed or farried, nor for any Horſe, Beaſt, or Cattle uſed or employed, for the Purpoſe only of carrying or conveying Materials, for the making or repairing of any Highway or public Road, within any ſuch Pariſh, Hamlet, or Place as aforeſaid, nor going or returning empty when ſo employed, nor for any Horſe, Beaſt, Cattle, or Carriage, which ſhall croſs the ſaid Road only, or ſhall not paſs more than One hundred Yards thereon, nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exerciſe, Inſpection, or Review, provided that ſuch Perſon is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for ſuch Corps, at the Time of claiming the Exemption; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Penalty on Perſons unlawfully claiming Exemptions.

XXIX. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained, by reaſon of any Weight therein, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament, relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Carriages conveying Military Stores not to be ſubject to Penalties for Overweight.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, at any Meeting to be held in purſuance of this Act, to borrow and take up at Intereſt ſuch Sum and Sums of Money as they ſhall think needful; and by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage all or any Part of the Tolls to be collected and levied at the ſaid Toll-Gates, (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls,) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees upon the Credit of ſuch Tolls, to any Perſon or Perſons, or his, her, or their Executors, Adminiſtrators, or Aſſigns, who ſhall advance and lend the ſame, which Mortgage ſhall be made in the following Form, or in any other Form of Words to the like Effect, (that is to ſay,)

For borrowing Money and aſſigning Tolls.

'BY virtue of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here insert the Title of this Act*] we, Five of the Trustees for putting the said Act in Execution, in Consideration of the Sum of to the Treasurer of the said Road in Hand paid, do hereby grant, bargain, sell, and demise unto his Executors, Administrators, and Assigns, for and during the Continuance of this Act, such Proportion of the Tolls to arise upon the said Road, and the Toll Gates and Toll Houses already made, or hereafter to be erected, for collecting the same, as the Sum of doth or shall bear to the whole Sum now due, or hereafter to become due and owing, on the Security thereof, to be had and holden from the Day of for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of Five Pounds *per Centum per Annum* shall be sooner repaid and satisfied. Given under our Hands, this Day of .'

Mortgages or Assignments to be entered in a Book or Books.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward: Provided always, that no Money shall be borrowed on Security of the Tolls, beyond the Sum which shall be fixed upon by the Trustees, at the First Meeting to be held in pursuance of this Act, unless Notice for that Purpose be affixed in Writing upon all the Toll Gates then erected by virtue of this Act, and also inserted in One or more of the Newspapers circulated within the said City of *Coventry* and County of *Warwick*, at least Twenty-one Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then existing Creditors shall consent thereto; and it shall be lawful for all Persons respectively to whom any Mortgage or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, from Time to Time to assign or transfer his, her, or their Right, Title, Interest, or Benefit in and to each Mortgage, and to the principal Money and Interest thereby secured, or any Part thereof, to any other Person or Persons whomsoever, by signing an Instrument to be annexed to, or by indorsing on such Security before a credible Witness the following Words, or Words to the like Effect; (that is to say,)

No Money to be borrowed after First Meeting, without Notice and Consent of Creditors.

Form of Transfer.

'I The within named *A. B.* or I, *C. D.* Assignee, Executor, or Administrator of the within named *A. B.* (*as the Case may happen*) do transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due thereon, unto *E. F.* of his Executors, Administrators, and Assigns. Dated this Day of

'Witness to the signing thereof, .'

Transfers to be entered.

Which Transfer shall be produced and notified to the said Clerk, within Three Calendar Months next after the Date thereof, who shall cause an Entry to be made thereof in the said Book or Books, for which Entry the said Clerk shall be paid the Sum of Ten Shillings and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors

cutors, Administrators, and Assigns, to the Benefit of such Mortgage Security; and every such Assignee may, in like Manner, assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators, to make void, release, or discharge the original Security, or the Monies due thereon, or any Part thereof.

No Priority of Mortgages.

XXXI. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of advancing any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls and Toll Houses in equal Degree one with another.

Application of the Tolls and Money to be borrowed.

XXXII. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof; and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes herein-after mentioned; that is to say, in the First Place, in Payment of all the Costs, Charges, and Expences which have been incurred in, or incidental to, or attending the applying for, or obtaining and passing this Act; in the Second Place, in defraying the Expences of purchasing Land, which may be necessary for the making and widening of the said intended Road; in the Third Place, in paying the Interest accruing from Time to Time upon the several principal Sums of Money, which shall from Time to Time be borrowed and secured in pursuance of this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Houses, and other Buildings, and of keeping the same in Repair, and of altering, widening, repairing, and preserving the said Road so intended to be made as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several principal Sums of Money, which shall be secured in pursuance of this Act, in such Manner as the said Trustees shall think most proper.

For getting Materials for repairing Roads.

XXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, to be appointed by the said Trustees, and all such Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Flint, Sand, Gravel, and other Materials for completing or repairing the said Road, out of any Waste or Common, River or Brook (not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty), in any Parish, Town, Village, or Hamlet within which any Part of the said Road lies; and for Want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials in the Places last described, then to dig, take, and carry away the like Materials out of any Waste or Common, River or Brook (not being within the like Distance from any Bridge, Dam, Weir, and Jetty), in any adjoining Parish, Town, Village, or Hamlet, without making any Recom-

pence for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons filling up, fencing, and levelling all ſuch Pits and Holes as ſhall be made by the digging for or taking away ſuch Materials, and making ſuch Allowance or Satisfaction to the Perſon or Perſons through and over whoſe Lands or private Ways ſuch Materials ſhall be led and carried for the Damage done and occaſioned thereby, as the ſaid Truſtees ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot be gotten in ſuch Waſtes, Commons, Rivers, and Brooks as aforeſaid, that it ſhall be lawful for ſuch Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint by Order of the ſaid Truſtees, to ſearch for, dig for, and carry away the like Materials out of the private Grounds of any Perſon or Perſons (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any Piece of Ground planted or ſet apart as a Plantation or Nurſery for Trees), where ſuch Materials are or may be found in any Pariſh or Place within which any Part of the ſaid Road lies; and from Time to Time to carry away ſuch and ſo much of the ſaid Materials reſpectively, as the ſaid Surveyor or Surveyors ſhall judge neceſſary for repairing and amending the ſaid Road, paying ſuch Recompence for the Damage done to the Owners or Occupiers of ſuch Grounds, where, through and from whence the ſame ſhall be dug and carried away, as the ſaid Truſtees ſhall adjudge reaſonable, and in caſe of any Difference between the ſaid Truſtees, and ſuch Owners and Occupiers or any of them, touching the Damages as aforeſaid, then the Amount thereof to be ſettled by any Two or more Juſtices of the Peace for the County, City, or Place, within which ſuch Materials ſhall be gotten, but ſubject to ſuch Appeal to the General Quarter Seſſions of the Peace, to be holden in and for the ſaid County, City, or Place, as is hereafter directed.

Notice to be given to the Occupiers of incloſed Land before Materials are taken therefrom.

XXXIV. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the ſaid Road, out of or from any incloſed Land or Ground until Five Days Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at ſuch Occupier's uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two or more Juſtices of the Peace, acting for the County, City, or Place, wherein ſuch Premiſes ſhall be ſituated, to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds, and in caſe ſuch Occupier or his Agent ſhall attend, purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe it ſhall be lawful for the ſaid Truſtees or ſuch Juſtices by their Order to authorize ſuch Surveyor or other Perſons to dig, get, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees, and to ſuch Juſtices ſhall ſeem proper, and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf, or herſelf, or his or her Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his or her Agent had attended.

Penalties on taking away Materials got by the Surveyors.

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall take away any Materials which ſhall have been dug or gathered for the Uſe or Repair of the ſaid Road, or ſhall get or carry away any Materials

out

out of any Pit or Quarry which ſhall be made or opened for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein, for the Space of Twenty-one Days, (except the Owner or Occupier of any private Ground, and the Perſon or Perſons authorized by ſuch Owner or Occupier to get Materials for his own private Uſe only, and not for Sale,) every Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to make Cauſeways.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch other Perſon or Perſons as ſhall be appointed by Order of the ſaid Truſtees, to make or cauſe to be made, any Cauſeway or Foot-path, in or along the Side of any Part or Parts of the ſaid Road, and to cut or cauſe to be cut any Drain or Watercourſe in, through, or acroſs any Lands or Grounds lying contiguous to the ſaid Road, in order to drain or prevent the ſaid Road or any Part or Parts thereof from being overflowed, and to erect Bridges over ſuch Drains or Watercourſes if neceſſary, and alſo to make or cauſe to be made any temporary Road or Way by, through, or over the adjoining Grounds of any narrow or ruinous Part of the ſaid Road hereby intended to be repaired, (not being the Site of or Ground whereon any Houſe or Houſes ſtand, or any planted Walk, Garden, Orchard, Yard, Park, Paddock, or Avenue to any Houſe, or a Plantation or Nurſery of Trees,) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe as a temporary Road whilſt the old ruinous Road is undergoing Repair, and till ſuch Time as it ſhall be convenient and ſafe for Carriages and Cattle to paſs the ſame, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands and Grounds for the Damage thereby ſuſtained, as to the ſaid Truſtees ſhall ſeem reaſonable; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the County, City, or Place where ſuch Lands ſhall be ſituated, at their General Quarter Seſſions of the Peace, to be holden next after ſuch Difference ſhall ariſe.

Surveyor may remove Annoyances.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to remove and prevent all Nuiſances and Annoyances on any Part of the ſaid Road, by Timber, Stone, Carriages, Saw-pits or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe, and to turn any Watercourſe, Gutters, Conduits, or Drains running into the ſame to the Prejudice thereof; and to open, ſcour, and cleanſe, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to the ſaid Road, and any Part or Parts thereof; and at proper Seaſons of the Year, to cut down, top, or lop any Trees or Buſhes growing on the ſaid Road, or in the Hedges or Banks adjoining thereto, and to cut ſo as to reduce ſuch Hedges to any Height not leſs than Four Feet, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for the Space of Seven Days after Notice given in Writing for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees) ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch reſpective Owners or Occupiers neglecting

to cut down such Trees and Bushes, or to cut or plash such Hedges, or to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances, any Person or Persons shall again offend in the like Manner, every such Person shall, for every such Second or other repeated Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Not to divert any Watercourse, Feeding Ponds, &c.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend, to give Power to the said Trustees, or any of their Surveyors, Servants, Workmen or Agents, to stop, divert, or dispose of any Water or Watercourse either in or through any public or private Ground, that shall contribute towards filling or supplying any public or private Pond or Ponds, Basons, Canals, or Reservoirs for Water, until all and every such Pond or Ponds, Basons, Canals, or Reservoirs shall be sufficiently supplied and filled, and the Water run waste, and that whenever a Supply of Water shall and may be needful or convenient, to any such Pond or Ponds, Basons, Canals, and Reservoirs, or any of them, it shall be lawful for the Owners or Occupiers thereof, to stop and dam up any such Watercourse, as may have been made in pursuance of this Act by Order of the said Trustees or their Surveyors, and to bring back the Water to such Pond or Ponds, Basons, Canals, and Reservoirs, until the same be again sufficiently supplied and filled, and the Water runs waste, and so from Time to Time as often as such Owners or Occupiers shall think fit and convenient.

Trustees may widen, alter, and turn the Road.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, and at any Time or Times during the Continuance of this Act, to make, widen, divert, alter, turn, or repair any Part or Parts of the said Road, within the Limits herein-after mentioned, or beyond such Limits, with the Consent of the Owners or Proprietors of the Lands through which the same shall be carried, in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby, and for that Purpose it shall be lawful for the said Trustees and for their Surveyors or Surveyor and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands and Premises through which, or whereupon the said Road or the Alterations hereby authorized to be made is or are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Road or Alterations, and also to cut and make any Drains or Ditches, through or into any Lands or Grounds adjoining, or lying contiguous to any Part of the said Road; and also to make a temporary Way or Ways, through or over any such adjoining Lands or Grounds, to be made use of as a public Highway, whilst the narrow or ruinous Parts of the said Road are widening and repairing, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds, for the Damages which shall be thereby occasioned,

such

such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as disputed Value of Lands to be purchased or used, by virtue of this Act, is herein-after directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Road to be made according to Plans deposited.

XL. And whereas Maps or Plans, describing the Line of the said Road, and the Lands through which the same is to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace, for the City of *Coventry* and County of the same City, and for the County of *Warwick*, be it therefore enacted, That the said Maps or Plans, and Books of Reference shall remain in the Custody of the said Clerks of the Peace for the said City and Counties, to the End that all Persons may, at any seasonable Times, have Liberty to inspect and peruse the same, and to take Copies of Extracts thereof at their Will and Pleasure, paying the Clerks of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees in making the said Road, shall not deviate more than One hundred Yards of Three Feet each, from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing, of the Person or Persons, Body Politic, Corporate, or Collegiate, throughout whose Lands or Grounds such Deviation shall be made.

Lands marked in the Plans may be used, notwithstanding Errors in the Book of Reference.

XLI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Road into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is, are, or may be Owner or Owners of Land or Premises, over which the same is or are set out and described in the said Maps or Plans as aforesaid; although the Name or Names of such Person or Persons may happen to be erroneously described or altogether omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace, for the County, City, or Place, wherein such Lands, Hereditaments, or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful, and such Certificate shall be deposited with, and remain in the Custody of the Clerk of the Peace, for the said County, City, or Place.

Trustees restrained from taking down Dwelling Houses without Consent.

XLII. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend, to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in, or make use of any Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Plans and Books

of Reference, any Thing in this Act contained to the contrary notwithſtanding.

Truſtees to fence any new Road.

XLIII. And be it further enacted, That in all Caſes where the ſaid Truſtees ſhall turn or alter any Part or Parts of the ſaid Road, or make any new Road over and through any Private Grounds, or ſhall take away any Fence for widening the ſaid Road, the ſaid Truſtees ſhall make or cauſe to be made and planted proper Quickſet Hedges or Fences on both Sides of ſuch new made Road, or on the Side upon which any ſuch Fence may be ſo removed as aforeſaid, with ſufficient Ditches to the ſame, and a ſufficient Poſt or Rail, or other Fence to protect the Growth thereof, ſo as effectually to guard and fence off the Lands adjoining to the ſaid Road, and alſo proper Gates, Bridges, and Arches where neceſſary, out of the ſaid Road into the Lands adjoining, and ſhall keep ſuch Fences ſo to be made, in good Order and Repair, for and during the Term of One Year from the Time that ſuch Fences ſhall have been made or ſet up.

Purchaſe of Lands.

XLIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time aſſembled, at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of and Perſons intereſted in any ſuch private Lands or Grounds for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners and Perſons intereſted, or any of them, may ſuſtain by widening, diverting, turning, or altering the Courſe of any Part or Parts of the ſaid Road;

Corporations, &c. empowered to ſell.

and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for and on the Behalf of any Infant, Feme Covert, Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Grounds, either for their own Uſe or Benefit, or for the Uſe of or in Truſt for ſuch other Perſon or Perſons as aforeſaid, to contract and agree with the ſaid Truſtees, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them all or any of ſuch Lands or Grounds as Occaſion ſhall be and require; and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes, any Law, Statute, Uſage or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons ſhall be, and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or Truſtees, for any other Perſon or Perſons intereſted in any ſuch Lands or Grounds, upon Notice to him, her, or them, given or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of ſuch Bodies Politic, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Grounds ſo to be taken in or added to the ſaid Road, or into which any Part of ſuch Road is to be diverted, turned, or altered as aforeſaid, ſhall, by the Space of Forty Days next after ſuch Notice given or left as aforeſaid,

ſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then, and in every or any ſuch Caſe, the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained, by and on the Oath of a Jury of Twelve indifferent Men of the County wherein ſuch Lands or Grounds ſhall lie, (which Oath any Two or more of the ſaid Truſtees are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, or Occupiers, or other Perſon or Perſons intereſted for or on Account of the taking of ſuch Lands or Grounds into the ſaid Road, or of turning any Part of ſuch Road into and through the ſame Lands and Grounds, and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time, as Occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine on Oath any Perſon or Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes, (which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter), and ſuch Truſtees ſhall order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit, and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damage and Recompence, the ſaid Truſtees ſhall thereupon order, adjudge, and determine the ſaid Sum and Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers, or Proprietors of, or other Perſons intereſted in ſuch Lands or Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition and Judgment, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, in Fee or in Tail, General or Special, Reverſion or Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons any Ways intereſted in ſuch Lands or Grounds, ſhall upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed, as aforeſaid, thereby be from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt and Property of, in, to, or out of the ſame, and for the ſummoning and returning of ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant to the Sheriff or Sheriffs of the County, City, or Place wherein ſuch Lands ſhall lie, thereby commanding and requiring him or them to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and ſuch Sheriff or Sheriffs, or his or their Deputy or Deputies, is and are hereby required to impannel, ſummon and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impanelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall, and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve who ſhall be the Jury for the Purpoſes aforeſaid,

aforesaid, and in Default of a sufficient Number of Jurymen, the said Sheriff or Sheriffs, or his or their Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that may be speedily procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises, shall have Power from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without sufficient excuse, or shall refuse to be sworn on the said Jury, or being so sworn, refusing to give, or not giving a Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons, who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, without sufficient Excuse, or shall refuse to be sworn and give Evidence, and from Time to Time to levy and apply such Fine or Fines, in the same Manner as other Penalties, Forfeitures and Fines are herein-after directed to be levied and applied, so that such Fines shall not exceed the Sum of Twenty Pounds upon any such Sheriff or Sheriffs, or his or their Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid, for any one Offence.

How Expences of the Jury shall be paid.

XLV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Grounds, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, before the summoning or returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money arisen or to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, City, or Place wherein the said Lands shall lie, not interested in the Matter in question (who is hereby required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or

Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that where by reaſon of Abſence, any Perſon or Peſons ſhall have been prevented from treating with the ſaid Truſtees touching the Matters aforeſaid, the whole of ſuch Coſts and Expences ſhall be paid by the ſaid Truſtees.

Money agreed upon or aſſeſſed for Lands, how to be paid and tendered.

XLVI. And be it further enacted, That every Sum of Money, or Recompence to be agreed for and aſſeſſed as aforeſaid, ſhall be paid by the ſaid Truſtees out of the Tolls or other Money ariſing by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or (in caſe of Refuſal to accept the ſame, or the Parties not being to be met with) upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Fourteen Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Poſſeſſion of the Lands or Hereditaments, ſuch Lands or Hereditaments ſhall be laid into and made Part of the Road, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall, to all Intents and Purpoſes, become and be deemed a Common Highway, and ſhall from thenceforth for ever be deemed as Part of the Road, by this Act directed to be amended and kept in Repair; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments, and from and after ſuch Parts of the ſaid Road, hereby intended to be made new Road, ſhall be formed and completed, then the Land compriſed in or conſtituting the old or former Road, ſhall be veſted in the ſaid Truſtees, and ſhall and may be ſtopped up or left unrepaired, unleſs the ſame may be wanted for any public Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead, or ſhall be ſold by the ſaid Truſtees for the beſt Price that can be gotten for the ſame, or exchanged for other Lands uſed for the Purpoſes of this Act; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act, and all Deeds of Exchange or Conveyance executed by the ſaid Truſtees, and inrolled with the Clerk of the Peace for the County, City, or Place wherein ſuch Lands or Grounds reſpectively ſhall lie, ſhall be good and effectual in the Law, to all Intents and Purpoſes.

Perſons whoſe Lands adjoin to have the Preference.

XLVII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell and diſpoſe of any Piece or Pieces of Ground, not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or in caſe ſuch Ground ſhall be a Piece or Pieces of old Road, to the Perſon or Perſons whoſe Land ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree, except with reſpect to or on Account of the Price thereof, to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter, or Maſter Extraordinary in the High Court of Chancery, or before ſome

One

One of His Majeſty's Juſtices of the Peace for the County, City, or Place in which ſuch Piece or Pieces of Ground ſhall lie, who are hereby reſpectively empowered to take ſuch Affidavit, by ſome Perſon or Perſons no Way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they and the ſaid Truſtees ſhall differ, and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner by this Act directed, with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Expences of hearing and determining ſuch Difference ſhall be paid and borne in like Manner as by this Act is directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, *mutatis mutandis*, and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of old Road or Ground, as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Compenſation Money if amounting to 200 l.

XLVIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchaſed, taken or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to, or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction, and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements and Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or

or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the Meantime and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, to be purchaſed under the Authority of this Act, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and exceeding 20l.

XLIX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs then the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo purchaſed, taken or uſed, or of his, her or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where under 20l.

L. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall not exceed Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, ſo purchaſed, taken, or uſed for the Purpoſes of this Act in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles., &c.

LI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed, for any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this

this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees or any Five or more of them, to order the ſaid Sum or Sums ſo awarded as aforeſaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery, which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

LII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe; and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to be lawfully entitled to ſuch Lands, Tenements or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences

LIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled

entitled to any Lands, Tenements or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct. to be paid by the Truſtees.

LIV. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money, which have been given, is or are liable to the maintaining or amending of any Part or Parts of the ſaid Road, or any Bridge or Bridges, or other neceſſary Things thereon, or any Part or Parts thereof, ſhall ſtill remain liable and chargeable to the Repair thereof, (ſubject to the Proviſoes and Limitations herein-after expreſſed) in ſuch Manner, and to the ſame Extent, but not in any other Manner nor to any greater Extent than they were liable and chargeable before the paſſing of this Act: Provided always, that if by diverting or altering any Part or Parts of the ſaid Road, the Length or Diſtance thereof ſhall be ſhortened, the Perſon or Perſons now liable to the Repairs of ſuch Road ſo to be diverted or altered ſhall be liable to the Repairs of ſuch new Road, but ſhall not be liable to repair any other Part or Parts of the preſent Road, which he or they are not now liable to repair, notwithſtanding ſuch new Road ſo to be ſet out may be of a leſs Diſtance or Length than the Courſe of that Part of the preſent Road which may be ſo diverted or altered. Perſons liable to repair the Road to continue ſo.

LV. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, on the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful to and for any Two or more Juſtices of the Peace, acting in and for the Diviſion of the County, City, or Place where the ſaid Road is ſituate, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, as aforeſaid, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons within Ten Days after the ſerving of ſuch Summons, of the Names of the ſeveral Perſons who within ſuch Pariſh or Place reſpectively are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Statute Work.

Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and in ſuch Parts of the ſaid Road, as the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Work.

LVI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Road, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, and in all or any of the Pariſhes

Pariſhes or Places in which the ſaid Road is ſituated, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work, to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees in Advance, on or before the Firſt Day of *October* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Truſtees may contract for Repairs and other Work.

LVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to contract and agree with any Perſon or Perſons for repairing the ſaid Road or any Part or Parts thereof, or for doing any other Work in purſuance or in the Execution of this Act in ſuch Manner and for ſuch Sum or Sums of Money annually, or for a Term of Years or otherwiſe, as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

Mile Stones, &c. to be erected.

Penalties for defacing them, and on Perſons injuring the Road, or committing Nuiſances thereon.

LVIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time, to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Road, with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places from any Town or Place, and alſo to cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Road as may be or are croſſed or joined by other Roads, as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction Poſt or Mile Poſt or Stone, erected or fixed, or to be erected or fixed, in or near the Side or Sides of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures or Marks inſcribed thereon, or if any Perſon ſhall ride upon any Foot Path formed by the ſaid Survey or orSurveyors, on the Side of or upon or adjoining the ſaid Road, or ſhall drive any Horſe, Beaſt or Swine, or any Carriage thereon, or ſhall cauſe any Damage to be done to any Foot Path, or if any Perſon ſhall cauſe to be haled or drawn upon any Part of the ſaid Road, any Timber, Stone or other Thing, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Timber, Stone or other Thing which ſhall be carried upon wheeled Carriages, to drag upon the ſaid Road to the Prejudice thereof, or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer the ſame to root up or damage the ſame, or the Fences on either Side thereof, or if any Perſon driving any Carriage upon the ſaid Road ſhall ride on the Shafts or other Part of the ſaid Carriage, without holding the Reins of the Horſe or Horſes, or meeting another Carriage, ſhall not keep his or her Carriage on his or her left or near Side of the ſaid Road, and alſo keep on the ſame Side himſelf, or if any Perſon ſhall in any other Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage under his or her Care upon the ſaid Road, or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent or Firework whatſoever on any Part of the ſaid Road, or on the Banks, Land, Streets or Places adjacent, or lying open thereto, or if any Perſon ſhall leave any Carriage, except in Caſes of Accident, upon or on the Side of the ſaid Road longer than may be neceſſary to load or unload the ſame, and the ſame being placed as near the Side of the

Road as conveniently may be, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbiſh or other Matter or Thing whatſoever, upon the ſaid Road or on the Side or Sides thereof between the ſaid Road and the Fences now ſtanding or hereafter to be erected on the Sides thereof, or ſhall plough up, dig up or break up any of the Soil between the ſaid Road and ſuch Fences as aforeſaid, for the Purpoſe of making Compoſt or Manure, or otherways ſhall ſcrape off any Soil or other Thing from the ſaid Road or the Sides thereof, or ſhall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compoſt or Manure from the Sides thereof, except ſuch as may be lying on his own Ground, and be carried away without being brought over any Part of the ſaid Road, or that the ſame be done at ſuch Times and under ſuch Regulations as the Truſtees or their Surveyor ſhall direct and order, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

Penalty on obſtructing the Execution of this Act.

LIX. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt or hinder, or cauſe or promote to be aſſaulted, interrupted, or hindered, any Collector of the Tolls or Gate-keeper, or any Surveyor or Surveyors, or any other Perſon or Perſons, by them or any of them, or by the ſaid Truſtees or any of them employed in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit any Sum not exceeding Twenty Shillings.

For ſecuring tranſient Offenders.

LX. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors or other Officers appointed to put this Act in Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and to take him, her, or them before any Juſtice of the Peace for the County, City, or Place where the Offence or Offences ſhall be committed.

Puniſhment of Collectors for Miſbehaviour.

LXI. And in order to prevent the Miſconduct of the Perſons to be employed as Collectors of the ſaid Tolls, Gate Keepers, and other Officers, as aforeſaid, be it further enacted, That every Perſon employed as Collector, Gate Keeper, or otherwiſe, to collect any of the Tolls hereby granted and made payable, ſhall, from Time to Time, affix his Chriſtian and Surname on a Board in ſome conſpicuous Part of the Toll Houſe, at which he ſhall be ſo appointed, on each and every Day that he ſhall continue on ſuch Collection under the Penalty of any Sum not exceeding Forty Shillings; and if any ſuch Collector ſhall wilfully miſbehave himſelf, in the Collection of the ſaid Tolls, or otherwiſe by taking exceſſive Tolls, demanding or taking Toll from Perſons entitled to Exemption, or otherwiſe not liable, or where none is due or payable, uſing abuſive or improper Language to, or otherwiſe miſconducting himſelf towards any Perſon or Perſons paſſing or claiming to paſs through, or coming to any of the Toll Gates to be erected by virtue of this Act, and ſhall be thereof convicted, on his own Confeſſion, or on the Oath of One or more credible

dible Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace for the County, City, or Place where the Offence ſhall be committed, he ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds; and in Default of Payment thereof ſhall be committed to the Common Gaol, or Houſe of Correction for ſuch County, City, or Place, for any Time not exceeding One Calendar Month.

LXII. And for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up, in the following Form of Words (as the Caſe ſhall happen) or in any other Form of Words to the ſame Effect; (that is to ſay),

Form of Conviction.

County of } 'BE it remembered, That on the Day of
to wit. } in the Year of our Lord *A. B.* is
'convicted before me One of His Majeſty's Juſtices of the Peace for
'the County by virtue of an Act of the Fifty-third Year of
'the Reign of King *George* the Third, intituled [*here ſet forth the Title of*
'*this Act, and ſpecify the Offence when and where committed.*] Given
'under my Hand and Seal, the Day and Year above written.'

Penalties how to be recovered and levied.

LXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted, or authorized to be impoſed (if the Manner of levying and recovering thereof be not herein otherwiſe directed) ſhall, upon Proof of the Offences reſpectively, before any One Juſtice of the Peace for the County, City, or Place wherein the Offence ſhall be committed, or wherein the Offender ſhall be and reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant ſuch Juſtice is hereby empowered and required to grant for thoſe Purpoſes) and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of the Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwiſe directed to be applied by this Act) ſhall be from Time to Time paid, One Half thereof to the Informer and the other Half Part thereof to the Treaſurer or Clerk to the ſaid Truſtees, and applied to the Purpoſes of this Act, and in caſe ſuch ſufficient Diſtreſs ſhall not be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any One Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of ſuch County, City, or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

Compelling Payment of Subſcriptions.

LXIV. And be it further enacted, That if any Perſon or Perſons who hath or have already ſubſcribed any Money towards the Expences of obtaining

taining and paſſing this Act, and carrying the ſame into Execution, or any other Perſon or Perſons who ſhall hereafter become or agree to become a Subſcriber or Subſcribers for the Purpoſe aforeſaid, ſhall after Twenty-one Days previous Notice in Writing under the Hand of the Treaſurer or Clerk to the ſaid Truſtees for that Purpoſe, given to him, her, or them, or left at his, her, or their Dwelling Houſe or uſual Place of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſubſcribed or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall and may be lawful for the ſaid Truſtees to bring or cauſe to be brought, any Action of Debt, or on the Caſe, Bill, Plaint, or Suit, againſt the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed, and after Proof of ſuch Perſon or Perſons having ſubſcribed or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, a Verdict ſhall be given for the Plaintiffs in all ſuch Action and Actions and Executions ſhall iſſue thereupon, as the Caſe may require.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done or omitted to be done in purſuance of this Act, either by the ſaid Truſtees, or by any One or more of His Majeſty's Juſtices of the Peace, ſuch Perſon may appeal to the Juſtices of the Peace, at the next General Quarter Seſſions of the Peace to be holden for the County, City, or Place, in which ſuch Cauſe of Appeal ſhall ariſe, ſuch Appellant, if ſufficient Time after the Cauſe of ſuch Complaint ſhall have ariſen, firſt giving or cauſing to be given Eight Days Notice at leaſt in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, City, or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order thereon, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and for Want of ſufficient Time for giving ſuch Notice previous to the firſt Quarter Seſſions after the Cauſe of ſuch Complaint ſhall have happened, then ſuch Appeal after ſuch Notice, and under ſuch Recognizance, may be made at the Second General Quarter Seſſions of the Peace to be holden for the County, City, or Place in which ſuch Cauſe of Appeal ſhall ariſe, and the Juſtices at ſuch Firſt or Second Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper, and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſions may alſo by their Order or Warrant levy ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe or neglect to pay the ſame, and for Want of ſufficient Diſtreſs, commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction, of and for the County, City, or Place in which ſuch Offence ſhall be committed,

there

there to remain for any Time not exceeding Six Calendar Months or until Payment of ſuch Coſts.

Proceedings not to be quaſhed for want of Form.

LXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for Want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Caſe, but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on Behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXVII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice thereof ſhall be given to the Clerk or Clerks of the ſaid Truſtees, nor after ſufficient Satisfaction, or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County, City, or Place, wherein the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action ſhall or may, at his or their Election, plead ſpecially or the General Iſſue Not Guilty, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for he ſame, as any Defendant or Defendants hath or have in any Caſes by Law.

Public Act.

LXVIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Commencement and Continuance of this Act.

LXIX. And be it further enacted, That this Act shall commence on the Day of the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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